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*Attorney for Plaintiff and Counter-Defendant
Moog Inc.*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff,

v.

SKYRYSE, INC. ROBERT ALIN
PILKINGTON, MISOOK KIM, and
DOES NOS. 1-50,

Defendants.

Case No. 2:22-cv-09094-GW-MAR

**PLAINTIFF AND COUNTER-
DEFENDANT MOOG INC.'S
APPLICATION FOR LEAVE TO
FILE UNDER SEAL DESIGNATED
MATERIALS FROM ITS MOTION
FOR LEAVE TO AMEND TO FILE
AMENDED COMPLAINT**

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SKYRYSE, INC.,
Counterclaimant,
vs.
MOOG INC.,
Counter-Defendant.

Judge: Hon. George H. Wu

**TO THE ABOVE CAPTIONED COURT, AND TO ALL PARTIES
AND THEIR ATTORNEYS OF RECORD:**

Pursuant to Local Rule 79-5 *et seq.*, Plaintiff and Counter-Defendant Moog Inc. (“Moog”) hereby submits this application for an order permitting it to file under seal certain excerpts and documents (the “Designated Materials”) from Moog’s Motion for Leave to Amend to File Amended Complaint (the “Motion”).

Moog submits that compelling reasons exist to permit the Designated Materials to be filed under seal. The Designated Materials include documents that have been identified as Protected Material pursuant to the Protective Order entered in this action on May 6, 2022 (the “Protective Order”) (Dkt. 89), which are quoted in or referenced in excerpts from proposed Amended Complaint attached as Exhibit 1 to the concurrently-filed Declaration of Kazim A. Naqvi (the “Naqvi Dec.”), and the redline of the proposed Amended Complaint attached as Exhibit 2 to the concurrently-filed Naqvi Dec. Moog further seeks to file under seal Exhibits F, H, and I attached to the Proposed Amended Complaint. The material that Moog requests to file under seal is the type of information that Moog does not make public, does not share with competitors, and keeps confidential in its business. If disclosed publicly, it could be used by Moog’s competitors to secure unfair competitive advantage and cause irreparable business harm.

Specifically, Moog seeks to file the following Designated Materials under seal: (1) highlighted portions of Moog’s Proposed Amended Complaint (attached to the Naqvi Dec. as Exhibit 1) at pages 12:1-14:8, 15:3-18:5, 19:12-22:2, 22:8-23:12, 31:2-16, 35:6-12, 35:14-16, 35:18-23; 35:25-27, 36:3-6, 36:9-21 36:22-28, 37:4-11, 39:15-20, 61:7-11, 64:25-65:3, 65:10-18, 65:24-26, 65:28-66:3, 66:7-8, 66:10-11, 67:13-15, 67:21-22, 68:3-4, 69:12, 69:17-18, 76:24-77:3, 77:7-11; (2) highlighted portions of the redline of the Proposed Amended Complaint (attached to the Naqvi Dec. as Exhibit 2) at pages 13:22-16:16, 17:1-18:2, 18:4-15, 18:20-26, 19:11-23, 20:1-22, 22:5-24:22, 25:3-26:10, 35:13-27, 40:4-12, 40:15-28, 41:4-22, 42: 1-7,

1 42:12-20, 44:21-24, 45:4-9, 69:16-20, 73:14-20, 74:1-9, 74:16-24, 75:1-2, 75:4-5,
 2 76:0-11, 76:17-18, 77:1-2, 78:11, 78:16-17, 81:7, 86:11-19, 87:6-10; and (3)
 3 Exhibits F, I, J, and K to Moog's Proposed Amended Complaint.

4 Moog also seeks to provisionally lodge under seal the following Designated
 5 Materials, which refer to, describe, or quote documents that Skyryse has identified
 6 as Protected Material under the Protective Order, or which Moog believes that
 7 Skyryse may consider to be Skyryse's own confidential information: (1) highlighted
 8 portions of Moog's Proposed Amended Complaint (attached to the Naqvi Dec. as
 9 Exhibit 1) at pages 32:15, 39:6-9, 44:6-8, 61:20-21, 68:7-9, 68:18-20, 72:5-7, 72:11-
 10 13, 72:19, 72:26-27, 73:2, 73:7, 73:22-24, 74:9-10, 75:12-14; (2) highlighted
 11 portions of the redline of the Proposed Amended Complaint (attached to the Naqvi
 12 Dec. as Exhibit 2) at pages 37:4, 50:17-20, 70:3, 77:5-7, 77:16-19, 81:7-9, 81:13-16,
 13 81:22, 82:3-4 82:7-8, 82:12, 83: 1-2, 83:15-16, 84:23-26; Accordingly, pursuant to
 14 paragraph 12.1 of the Protective Order, Moog seeks to provisionally lodge these
 15 documents under seal until such time as Skyryse withdraws its confidentiality
 16 designations or the Court rules on a forthcoming application from Skyryse to justify
 17 that these documents, or portions of thereof, remain under seal.

18 This application is further based upon the accompanying Declaration of
 19 Kazim Naqvi in Support of this Application; any pleadings, files, and records in this
 20 action; and any further evidence or argument as this Court may consider.

21 Moog's counsel conferred with Skyryse's counsel via e-mail on May 19,
 22 2023 regarding all of the Skyryse Designated Materials referenced above. Moog's
 23 counsel noted that for many of the Skyryse Designated Materials, Moog had
 24 previously conditionally lodged such materials under seal (Dkt. 358) and Skyryse
 25 had already filed a supporting declaration specifying which portions of those
 26 materials it believes should be filed under seal (Dkt. 366). Moog request that
 27 Skyryse's counsel advise if its positions regarding sealing had changed since filing
 28 Dkt. 366, and whether any of the other Skyryse Designated Materials should be

1 made publicly available. As of 10:00 a.m. PT on May 22, 2023, Skyrise had not
2 provided its positions. Accordingly, Moog will conditionally lodge under seal all
3 Skyrise Designated Materials and any quotes or references thereto, and consistent
4 with Dkt. 366. Accordingly, Moog will conditionally lodge under seal all Skyrise
5 Designated Materials and any quotes or references thereto.

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7 Dated: May 22, 2023

8 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

9
10 By /s/ Kazim A. Naqvi
Kazim A. Naqvi

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12 Attorney for Plaintiff and Counter-Defendant
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